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May 21, 2009

**VIA ECF AND FEDEX**

Honorable Joseph F. Bianco  
 United States District Judge  
 U.S. District Court, E.D.N.Y.  
 100 Federal Plaza, Courtroom 920  
 Central Islip, New York 11722

Re: Chord Associates LLC et al. v. Protech 2003-D LLC et al.,  
 Case No. 07-cv-5138 (JFB)

Dear Judge Bianco:

Today Defendants filed their Answer to the First Amended Complaint and Amended Counterclaims in accordance with the Stipulation entered on May 7, 2009. Defendants made the filing in this manner in order to preserve their claims, particularly given that Plaintiffs did not oppose Defendants' motion for leave to amend. Because Plaintiffs did oppose the motion for leave to join Roland Conde as an adverse party, however, Defendants will not serve Mr. Conde unless your Honor grants Defendants' motion.

Respectfully,

Catherine M. McGrath

cc: Andrew Donner, Esq. (via electronic mail)

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